

Message

From: Morris, Jeff [Morris.Jeff@epa.gov]
Sent: 6/17/2017 9:34:03 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: Re: AA CONCURENCE NEEDED 5pm deadline-FW: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

They will do that. I've go an email in to Tala on timing. I meant getting current water samples both to measure concentration and characterize the contaminant.

Sent from my iPad

On Jun 17, 2017, at 3:40 PM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

What about the values that are being used by the press? Even if they are 2013 isn't it better to know what they mean using our data rather than comparisons to PFOS/PFOA?

Thanks.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
[Ex. 5 Deliberative Process (DP)]
beck.nancy@epa.gov

From: Morris, Jeff
Sent: Saturday, June 17, 2017 9:58 AM
To: Beck, Nancy <Beck.Nancy@epa.gov>
Cc: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Subject: Re: AA CONCURENCE NEEDED 5pm deadline-FW: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Oops, should have read the subject heading. Yes, but I do not believe they were expecting to have those done yesterday. But I will follow up with Tala. I am concerned about running calculations without water concentration data. It doesn't seem to make sense to run them using 2013 data, and now it's complicated by the assertion that the releases are not coming from GenX production, which if true would make the latest CDR production volume estimates irrelevant. I think we are in that uncertain, uncomfortable place that, without understanding of actual conditions, we aren't on firm footing providing the public with a characterization of potential risk.

Sent from my iPad

On Jun 17, 2017, at 9:45 AM, Beck, Nancy <Beck.Nancy@epa.gov> wrote:

Jeff,
Sorry for the confusion, isn't there a Tracy doing GenX calculations? In Tala's shop?

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273

[Ex. 5 Deliberative Process (DP)]
Beck.Nancy@epa.gov

On Jun 17, 2017, at 7:48 AM, Morris, Jeff <Morris.Jeff@epa.gov> wrote:

I couldn't tell from the latest draft she sent me (will send to you in a minute) so I sent her a follow-up email asking if the percentages are being incorporated into the ICR.

Sent from my iPad

On Jun 16, 2017, at 5:02 PM, Beck, Nancy
<Beck.Nancy@epa.gov> wrote:

Jeff,
Have we heard anything back regarding the calculations
Tracy was going to conduct?

Thanks.

Nancy B. Beck, Ph.D., DABT
Deputy Assistant Administrator, OCSPP
P: 202-564-1273
[Ex. 5 Deliberative Process (DP)]
beck.nancy@epa.gov

From: Cleland-Hamnett, Wendy
Sent: Friday, June 16, 2017 4:54 PM
To: Jakob, Avivah <Jakob.Avivah@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Schmit, Ryan
<schmit.ryan@epa.gov>; Strauss, Linda
<Strauss.Linda@epa.gov>; Dunton, Cheryl
<Dunton.Cheryl@epa.gov>
Subject: RE: AA CONCURRENCE NEEDED 5pm deadline-FW: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

OK, thanks.

Wendy Cleland-Hamnett
Acting Assistant Administrator
Principal Deputy Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
202-564-2910
cleland-hamnett.wendy@epa.gov

From: Jakob, Avivah
Sent: Friday, June 16, 2017 4:22 PM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AA CONCURRENCE NEEDED 5pm deadline-FW: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Nancy Grantham confirmed OPA wants to use the approved holding statement. Thanks.

Approved GenX Holding Statement -- June 16, 2017

EPA is committed to protecting public health and supporting states and public water systems as the appropriate steps to address the presence of GenX in drinking water are determined. Under the Safe Drinking Water Act, EPA undertakes extensive evaluations of contaminants and uses the best available peer reviewed science to identify and regulate contaminants that present meaningful opportunities for health risk reduction. While EPA has not established a drinking water regulation, health advisory or health based benchmark for GenX in drinking water, the agency is working closely with the states and public water systems to determine the appropriate next steps to ensure public health protection.

From: Jakob, Avivah
Sent: Friday, June 16, 2017 4:14 PM
To: Cleland-Hamnett, Wendy <Cleland-Hamnett.Wendy@epa.gov>
Cc: Beck, Nancy <beck.nancy@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: AA CONCURRENCE NEEDED 5pm deadline-FW: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Please, hold on review. I'm not sure if OGC looked at this, however, I need to follow-up with OPA to see if they want to use the approved holding statement for response. I think that's how they want to proceed, but I need to confirm with Nancy Grantham.

I've received mixed messages from staff in OPA, my apologies for any confusion.

From: Cleland-Hamnett, Wendy
Sent: Friday, June 16, 2017 4:01 PM
To: Jakob, Avivah <Jakob.Avivah@epa.gov>
Cc: Beck, Nancy <Beck.Nancy@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>
Subject: Re: AA CONCURRENCE NEEDED 5pm deadline-FW: ACTION: EPA Inquiry RE: GenX, PFASs in the Cape Fear River watershed

Has OGC reviewed this?

Wendy Cleland-Hamnett
Acting Assistant Administrator
Principal Deputy Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. EPA

On Jun 16, 2017, at 3:56 PM, Jakob, Avivah <Jakob.Avivah@epa.gov> wrote:

Wendy/ Nancy: Ok with the response in yellow below?
StarNews had follow-up questions abt the consent order (sent earlier in the week)

StarNews, Follow-up Q's on Consent Order

1) Chemours said Thursday that the GenX in the Cape Fear River and local public water system is a byproduct of a separate process rather than the GenX it produces commercially. Company officials also cited the byproducts exception, which they say means the GenX produced as a byproduct is not covered by the 99 percent emissions abatement requirement in the consent order. Is that interpretation correct?

2) Chemours said this GenX byproduct has been produced and discharged since 1980. Was EPA aware of this prior to or during the formulation of the consent order? If not, why not? If so, why was it not

taken into consideration when the consent order was drawn up?

3) If the exception does apply, that means the EPA was concerned enough about GenX to insist that the company "recover, capture or recycle" 99 percent of GenX from air emissions and water discharges -- but only when manufacturing it for commercial purposes. Any GenX produced at the same time as a byproduct in a separate, unrelated process was not bound by that restriction. Is that correct? Can you explain what makes those two situations different from an emissions standpoint in this particular situation?

Response: If GenX were produced as a "byproduct," without a separate commercial intent during the manufacturing, processing, use, or disposal of another chemical substance or mixture, it is eligible for the "byproduct exemption" in the consent order, as long as the only commercial purpose for the GenX is one described in 40 C.F.R. 720.30(g). If the GenX were produced as a "byproduct" and were used for any commercial purpose other than those enumerated in 40 C.F.R. 720.30(g), then the "byproduct exemption" in the consent order would not apply.

From: Jones, Enesta
Sent: Friday, June 16, 2017 8:31 AM
To: Grantham, Nancy
 [<Grantham.Nancy@epa.gov>](mailto:Grantham.Nancy@epa.gov); Lincoln, Larry
 [<Lincoln.Larry@epa.gov>](mailto:Lincoln.Larry@epa.gov);
Marraccini, Davina
 [<Marraccini.Davina@epa.gov>](mailto:Marraccini.Davina@epa.gov); Harris-Young, Dawn
 [<Harris-Young.Dawn@epa.gov>](mailto:Harris-Young.Dawn@epa.gov); Dunton, Cheryl
 [<Dunton.Cheryl@epa.gov>](mailto:Dunton.Cheryl@epa.gov); Jakob, Avivah
 [<Jakob.Avivah@epa.gov>](mailto:Jakob.Avivah@epa.gov);

Drinkard, Andrea
<Drinkard.Andrea@epa.gov>; Dennis,
Allison <Dennis.Allison@epa.gov>;
Senn, John <Senn.John@epa.gov>;
Maguire, Megan
<Maguire.Megan@epa.gov>;
Sauerhage, Maggie
<Sauerhage.Maggie@epa.gov>;
Hubbard, Carolyn
<Hubbard.Carolyn@epa.gov>;
D'Andrea, Michael
<DANDREA.MICHAEL@EPA.GOV>;
White, Terri-A <White.Terri-A@epa.gov>
Cc: Jones, Enesta
<Jones.Enesta@epa.gov>
Subject: ACTION: EPA Inquiry RE: GenX,
PFASs in the Cape Fear River watershed

Hi All,

Deadline is 4 p.m. today.

Can OCSPP and others help with
this one?

Enesta Jones
U.S. EPA
Office of Media Relations
Office: 202.564.7873
Cell: 202.236.2426

**"The root of all joy is
gratefulness."**

Begin forwarded message:

From: Vaughn
Hagerty
<vaughn.hagerty@gmail.com>
Date: June 16, 2017
at 8:25:57 AM EDT
To: "Jones, Enesta"
<Jones.Enesta@epa.gov>
Subject: Re: EPA

**Inquiry RE: GenX,
PFASs in the Cape
Fear River
watershed**

Hi, Enesta. It's me again. I'm still interested in answers to my questions. I have a few more regarding the consent order for GenX and the exemption I have cited previously.

1) Chemours said Thursday that the GenX in the Cape Fear River and local public water system is a byproduct of a separate process rather than the GenX it produces commercially. Company officials also cited the byproducts exception, which they say means the GenX produced as a byproduct is not covered by the 99 percent emissions abatement requirement in the consent order. Is that interpretation correct?

2) Chemours said this GenX byproduct has been produced and discharged since 1980. Was EPA aware of this prior to or during the formulation of the consent order? If not, why not? If so, why was it not taken into consideration when the consent order was drawn up?

3) If the exception does apply, that means the EPA was concerned enough about GenX to insist that the company "recover, capture or recycle" 99 percent of GenX from air emissions and water discharges -- but only when manufacturing it for commercial purposes. Any GenX produced at the same time as a byproduct in a separate, unrelated process was not bound by that restriction. Is that correct? Can you explain what makes those two situations different from an emissions standpoint in this particular situation?

I'm on deadline today, so I'd need a response by 4 p.m.

Regards,

Vaughn Hagerty

On Thu, Jun 15, 2017
at 8:39 AM, Jones,
Enesta
<Jones.Enesta@epa.gov> wrote:

Good morning,
Vaughn. I am
checking into this
and will be in touch.

Enesta Jones

U.S. EPA
Office of Media
Relations
Office:
202.564.7873
Cell: 202.236.2426

**"The root of all joy
is gratefulness."**

On Jun 15, 2017, at
8:36 AM, Vaughn
Hagerty
<vaughn.hagerty@gmail.com> wrote:

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on this matter and will review and determine next steps.

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On June 12, 2017, at 7:49 AM, Vaughan Hageraty <vaughn_hageraty> wrote:

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n the Cape Fear River and in the water system of a tidal estuary nedown

stream community. We've cited these studies, both of which in

clude participation by EPR researchers: [ED_002682_00235533-00042](https://www.rese</p></div><div data-bbox=)

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h E n e s t a J o n e s , b u t s h e a p p a r e n t l y i s o n v a c a t i o n . I a m w o r k i n g

on a story that has a deadline of 4 p.m. Eastern today, June 12.

First, I'm curious if EPA has taken or is considering implementing any action

ion as a result of these discoveries. I asked this question o

f E n e s t a , b u t t h e r e s p o n s e c i t e d t h e f a c t t h a t t h e s e a r e e m e r g i

ng substances that are neither regulated and seemed to indicate no

action would result. Is that still the case? Second, I have an

umber of questions regarding the consent order issued by EPA

o DuPont (now Chemours) for the manufacture of GenX:

1) Inher

responses, Ernest stated: "I initiated review of the General Preemanufa

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ure (destruction) or recycling cycle the chemical form a 11 the process was

water effluents streams and air emissions (point source and

fugitive) at an overall efficiency rate of 99% (i.e., 99% off the

chemical can, to be released into the environment). "It's different

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ut knowledge of the manufacturing limits for the product. What

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n forced? Does DuPont and/or Chemours provide regular report

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Who is responsible?
What is the process?

4)
Has DuPont and /

or Chemours satisfies the requirements for submitting to

xicological studies? Where can I obtain these?

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s s u e d , i n c l u d i n g c h a n g e s i n a m o u n t s a l l o w e d t o b e m a n u f a c t u r

e d a n d m o n i t o r i n g ? I f s o , w h o s o u g h t t h e c h a n g e s a n d w h a t a r e t h

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5) The consent order includes this exception: (3) By prod

ucts. The requirements of this Order do not apply to the P.M.N. sub-

stances when they are produced, without separate commercial

intentionally as a "by product" as defined at 40 CFR 720.3(d) and

incompliance with 40 CFR 720 .30 (g) .

Here are those federal

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r i n g t h e m a n u f a c t u r e , p r o c e s s i n g , u s e , o r d i s p o s a l o f a n o t h e

r c h e m i c a l s u b s t a n c e o r m i x t u r e .

4 0 C F R 7 2 0 . 3 0 (g) A n y b y p r o d

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t e o r g a n i z a t i o n s t h a t (1) b u r n i t a s a f u e l , (2) d i s p o s e o f i t a s

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purposes. (This exclusion only applies to the by-product; it d

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If GenX were generated as a byproduct in a process

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From : Jones , Ernest a <

J_ones_Enesta@epa.gov> Date : Thu , June 1 , 2017 at 7 : 41 PM Subj e

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Figure 2 of the paper specifies a family of users

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chemicals in Ontario from DuPont (which is now Chemours) in 2008. Th

e substance is a perfluoroether derivative. EPA and the company

y signed a consent order in 2009 for the substance which requires

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re exposures, environmental releases and the amount of impurities

is permissible in the final polymers. A chlorine trifluoride rich reg

The Agency is a .

analyzing the data in this manner under the consent order. In

its review of the General Manufacturers submission, EPA determined

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else assesses to water. Under the terms of the consent order, for ope

rations in the United States, DuPont is required to recover and

capture(destroy) or recycle them from all the processes

waste water effluent streams and air emissions (point sources a

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he chemical can, therefore, be released into the environment). Further

, under the terms of the consent order, DuPont may only distribute

to those customers, such as manufacturers and p

processes, that can also achieve very high percentage of efficiency

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Pittsburgh indicated that they recently installed

allied a
24/
7 PACE feed system, which is an effective treatment

options for PFOA/PFOS. They also plan to conduct confirmatory

amping, which would provide results about the current performance of A/P

Fossils in the finished water. To date, Region 4 does not have

any confirmatory sampling data for the Pittsburgh or surrounding community.

Index
December 2016, Region 4 reached out to the Northeast Carolina Dep

partment of Health and Human Services (NCDHHS) to determine the

ir awareness of the advisory and its recommendations. The Heali

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stated that they did not have authority to get involved. They st

a t e d t h e y f i n d t h e a d v i s o r i e s d i f f i c u l t t o i m p l e m e n t a t t h e s t a

t eleven, since they are, regulated compounds.

Although

Region 4 has confirmed that NCDEQ, NCDHHS and Town of Pittsboro

area where of the Financial Health Advisory, recommends the

sensi-
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tion has not
been noted if it
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ning water contains in accordance with the processes required

red by the Safe Drinking Water Act (SDWA). To regulate a contaminant

n a n t u n d e r S D W A , E P A m u s t f i n d t h a t i t : (1) m a y h a v e a d v e r s e h e a l

the effects; (2) occurs frequently (or there is a substantial i-

k e l i h o o d t h a t i t o c c u r s f r e q u e n t l y) a t l e v e l s o f p u b l i c h e a l t h

concern; and (3) there is a meaningful opportunity for health

isk reduction for people served by public water systems.

EPA

included PFOS and PFOA among the contaminants for which water

systems are required to monitor under the third Unregulated Con-

taminant Monitoring Rule (UCMR3) in 2012. Results of this moni

to ringeffortcanbefoundonthepublicly-availableNational

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with the peer-reviewed health effects assessment supporting

he PFOA and PFOs health Advisories, to make a regulatory determination

ination on whether to initiate the processes to develop an application a

I primary drinking water regulation. EPA has conducted monitoring

originating in the Cape Fear River watershed for perfluorinated compounds

ounds. At this time, EPA Region 4 cannot advise on generic compounds.

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shed. At that time, our investigation did not show impacts of c

on concern to surface water or groundwater; therefore, did not con-

tac t the plan to operator. Since the paper was published, EPA Re

gion 4 has not contacted the plant operator regarding findings

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root of all joy is gratitudefulness."

From: Vaughn Hagerthy [mailto:

— 10 : 45 a.m. — 11 a.m. — 11:30 a.m.
L S e n t : Tuesday, May 30, 2017

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2 P M T o : Jones , Ernest a <Jones.Ernesta@epa.gov>
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-Vaughn Hagerthy

On Thu, May 25, 2017 at 7:22

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H i V a u g h

n,
My apologies for the delay. This has been an effort in no

v i n g t h r e e p r o g r a m s o f f i c e s a n d o n e r e g i o n a l o f f i c e .

I h o p

e to have a response to you today. Thanks again for your patience

e .
E n e s t a J o n e s
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O f f i c e o f M e d i a R e l a t i o n s

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I'm still interested in some responses from EPA. Can you provide

e m e w i t h a m o r e d e t a i l e d u p d a t e , s u c h a s i f a n d / o r w h e n I m i g h t e

xpect an answer to my questions?

Regards,

Vaughn Hager

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H_i_V_a_u_g_h_n , I_a_m_c_h_e_c_k_i_n_g .

U . S . E P A O f f i c e o f M e d i a R e l a t i o n s O f f i c e : 2 0

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on this?

- Vaughn Hagerthy

On Thursday, May 18, 2017 at 6:4

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- V as a verb

On Thursday, May 18, 2011

a t 4 : 0 6 P M , J o n e s , E n e s t a <J_ones_Enesta@epa.gov> w r o t e : H i

Vaughn, is getting back to you them morning of May 22 ok?

En

e s t a j o n e s U . S . E P A O f f i c e o f M e d i a R e l a t i o n s O f f i c e : 2 0 2 1

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" T h e r o o t o f a - - j o y - s g

ratefulness." From: Jones, Ernest sent: Wednesday, May 17

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S u b j e c t : R e : E P A I n q u i r y R E : G e n X , P F A S s i n t h e C a p e F e a r R i v e r w

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" Therootofalljoyisgrate

f u l n e s s : " On May 17, 2017, at 2:23 PM, Vaughn Hageraty <v

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a u g h n - h a g e r t y @ g m a i l . c o m > w r o t e :

g to complete my interview by Monday, May 22. The story is cur

ently set to run in late May or early June.

The lead author (M

e i S u n) h a s c o n f i r m e d t h a t t h e t r e a t m e n t p l a n t a t C o m m u n i t y C i

n the paper is the Cape Fear Public Utility Authority in Wilmington

gation, N.C. I'd like to know how some one in the community served

by CFPUA should interpret these results, specifically allowing inter-

ms of the concentrations of Gen X. According to the paper, medi

a n c o n c e n t r a t i o n s w e r e 6 7 1 p p b . I ' m a s k i n g t h i s i n t h e c o n t e x t

o f E P A , s l a t e s t a d v i s o r y l e v e l f o r P F O A / P F O S , w h i c h G e n X i s m e

a n t t o r e p l a c e . A s I u n d e r s t a n d i t , t h e a d v i s o r y l e v e l f o r P F O A

/ P F O S i s 7 0 p p t . G e n X w a s p r e s e n t a t s e v e r a l t i m e s t h a t c o n c e n t

ration. Does this raise any health concerns at all? Is this not

hing to be concerned about?

What is the status of EPA's review

ew of the environmental and human safety of Gen X? What is the EP

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initial the EPA take any actions regarding the results from this spa

per? Is the EPA monitoring the situation and/or conducting its

s own tests regarding Gen X in the Cape Fear river watershed? If

s o , w h a t , s p e c i f i c a l l y i s o r w i l l i t d o a n d w h e n ? I f n o t h i n g i s h

a s b e e n d o n e o r i s p l a n n e d , w h y n o t ? W h a t w o u l d i t t a k e f o r t h e E P

At o g e t i n v o l v e d r e g a r d i n g t h i s s i t u a t i o n ?

T h e l e a d a u t h o

r has confirmed that the fluorochemical manufacturer relocate

d u p s t r e a m o f the C F P U A i s a p l a n t i n F a y e t t e v i l l e , N . C . , f o r m e

r l y o w n e d b y D u P o n t a n d n o w b y C h e m o u r s . H a s t h e E P A c o n t a c t e d t

he plant operator regarding these findings? If so, what was the

e n a t u r e o f t h a t c o m m u n i c a t i o n ? I f n o t , w h y n o t ?

T h e r e w a s a

phototatheraninTheIntercept (<https://theintercept.com/>)

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e_w_i_t_e_f_f_l_o_n_i_t_o_x_i_n/_) o f M a r k a n d A n d r e w . I ' d l i k e t o g e t a c o p y t o

run with this story.

Regards,

Vaughn Hagerter

On Wed

, May 17, 2017 at 1:37 PM , Jones, Ernest a <Jones.Ernesta@epa.gov>

V>
wrote:
Hi Vaughn, Thanks for reaching out. Can you please

s e p r o v i d e s p e c i f i c q u e s t i o n s a n d f i r m d e a d l i n e ?

F r o m :

VaughnHagerthy[mailto:v Vaughn-Hagerthy@gmai.com] Sent:

Wednesday, May 17, 2017 : 4:30 A.M. To : Linstrom, Andrew <Lind

s t r o m - A n d r e w @ e p a - g o v v , S t r y n a r , M a r k < S t r y n a r - M a r k @ e p a -

g o v \ S u b j e c t : G e n X , P F A S s i n t h e C a p e F e a r R i v e r w a t e r s h e d

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I'm a journalist working on a story for the Star News in Willming

t o n a b o u t P F A S s , i n c l u d i n g G e n X , i n s o m e d r i n k i n g w a t e r s y s t e

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I'm referencing the paper "Legacy and Emerging Performance Fluoropol

k y 1 Substances Are Important Drinking Water Contaminants in

the Cape Fear River Watershed of North Carolina." Invente

r v i e w e d P r o f e s s o r S u n a n d a m s c h e d u l e d t o s p e a k w i t h P r o f e s s o

r K n a p p e t h i s w e e k . I ' d l i k e t o d i s c u s s t h e i s s u e w i t h o n e o r b o t

h o f y o u , a s w e l l , e i t h e r b y p h o n e o r v i a e m a i l e x c h a n g e . I s t h i s

s o m e t h i n g w e c a n a r r a n g e ? R e g a r d s , V a u g h n H a g e r t y

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